

DRAFT**SAFMC PUBLIC COMMENT GUIDELINES**

Executive/Finance Committee

June 16, 2016

Issue: The Council is receiving public comments via mail and email before and during each Council meeting. The Council values all public comments and wants to have the opportunity to read and consider all comments received. To do this, the Council is modifying their policy on public comments.

Approach: Council staff researched guidelines used by the South Atlantic Council. Public comment guidelines from ASMFC and the other Councils are included as [Attachment 1](#). Staff prepared a draft set of guidelines for the Committee and Council's consideration. Note: the proposed guidelines for public comment deadlines are being tested as part of the June 2016 meeting.

OPTION 1. NO ACTION. Current South Atlantic Council Guidance:

Written Council guidance on accepting public comments has only been formally developed for the SSC public comment process. We have a process that is followed for specific written comment periods. These have not been added to our Administrative Handbook and are outlined below.

Scientific and Statistical Committee (SSC) Public Comment Process:

- **Written comment:** Written comment on SSC agenda topics is distributed to the Committee through the Council office, similar to all other briefing materials. Written comment to be considered by the SSC shall be provided to the Council office no later than one week prior to an SSC meeting.
- **Verbal comment:** Two opportunities for comment on agenda items will be provided during SSC meetings. The first will be at the beginning of the meeting, and the second near the conclusion. Those wishing to comment should indicate such in the manner requested by the Chair, who will then recognize individuals to provide comment. All comments are part of the record of the meeting.

Public Comment on Specific Amendments/Issues – *Scoping Meetings, Public Hearings, and Q&A*

When scoping meetings, public hearings, and Q&A meetings are held, there is a specific deadline for public comments to be received in the Council office. Generally one week is allowed after the last public hearing or meeting. All comments are compiled and provided to the Council in the next briefing book. In addition, Council staff present a summary of comments received to the Council during the meeting.

Comments Prior to Council Meetings

Comments received prior to the briefing book deadline could be included in the briefing book depending on the request of the individual, Council member, or relevance to the discussions. These comments are included as part of the administrative record.

Comments Received via Email

Comments received via email after the briefing book deadline and during the Council meeting are distributed to Council members and posted to our website. These comments are included as part of the administrative record.

Public Comment at Council Meetings

The Council provides a public comment period during each Council meeting generally beginning at 5:30 p.m. on Wednesday of each meeting; the session is broadcast via the web. Persons attending the meeting, who wish to comment, are required to complete a registration card. Comments are not accepted via the webcast. The amount of time allowed is dependent on the number of persons present but will be no less than 3 minutes each. Council members may ask questions of individuals offering comments. All comments are recorded, transcribed, and become a part of the meeting administrative record.

OPTION 2. NEW PROPOSED APPROACH

The Council welcomes general written comments at any time. There are specific deadlines associated with public comment periods for amendments when scoping or public hearings are conducted. Deadline: One week after last meeting or hearing.

Written comments are also accepted as part of each Council meeting.

Scientific and Statistical Committee (SSC) Public Comment Process

Retain the existing guidance as outline above.

Public Comment on Specific Amendments/Issues – *Scoping Meetings, Public Hearings, and Q&A*

Retain the existing guidance as outline above.

Comments Prior to and During Council Meetings

The Council has moved to having one briefing book distribution that is posted to the website 2 weeks prior to each Council meeting, on Friday by noon. This allows Council members sufficient time to review the materials and prepare for the meeting. Public comment deadlines associated with a Council meeting are (Note: dates that apply to the June 2016 meeting are shown below):

- Written comments received three weeks prior to a Council meeting (Friday, 5/20) will be included in the briefing book.
- Two weeks prior to meeting: Briefing book is posted to website two weeks prior to a Council meeting (Friday, 5/27).
- Written comments received by close of business the Monday before the meeting (6/6) will be compiled, posted to the website as part of the meeting materials, and included in the administrative record.
- For written comments received after the Monday before the meeting (after 6/6): 2 options for consideration

Option A. It is up to the individual sending the comment to distribute any written comments after the Monday before the meeting (6/6) directly to Council members. These comments will not be a part of the meeting administrative record.

Option B. Individuals sending the comment must use the Council’s “Council Meeting Comment Form” that will automatically post these comments to the website for the Council to see. Comments received prior to noon on Thursday of the Council meeting (6/16) will be a part of the meeting administrative record.

All comments are put in a Google doc and are available to the public and Council members all the time. Click on “_____” and it will pull up a Google doc with all of the comments to date. So whenever the Council members want to see the comments, they (and anyone else) can look at the Google document. And staff can always refer Council members to the document if a lot of comments are coming in during a meeting.

In-Person Public Comment at Council Meetings (no change to existing process)

The Council provides a public comment period during each Council meeting generally beginning at 5:30 p.m. on Wednesday of each meeting; the session is broadcast via the web. Persons attending the meeting, who wish to comment, are required to complete a registration card. Comments are not accepted via the webcast. The amount of time allowed is dependent on the number of persons present but will be no less than 3 minutes each. Council members may ask questions of individuals offering comments. All comments are recorded, transcribed, and become a part of the meeting administrative record.

The following additional standardized guidelines for public comments accepted during Council meetings are provided for committee/Council consideration:

1. Public comments will be allowed at the start of each committee meeting for items NOT on the agenda (ASMFC does this).
2. Public comments will be allowed on a motion after the committee has discussed (ASMFC & MAFMC do this).
3. Persons submitting written copies of statements or other items must supply a total of 20 copies for distribution to all Council members and for administrative record purposes. If distribution to the Council is not essential, submission of a single copy is sufficient for the administrative record (ASMFC requires 50 copies; NEFMC requires 35 copies; NPFMC requires 65 copies; PFMC requires 40 copies; and WPFMC requires 40 copies).

I. Atlantic States Marine Fisheries Commission (ASMFC): Public Comment Guidelines

With the intent of developing policies in the Commission's procedures for public participation that result in a fair opportunity for public input, the ISFMP Policy Board has approved the following guidelines for use at management board meetings:

For issues that are not on the agenda, management boards will continue to provide opportunity to the public to bring matters of concern to the board's attention at the start of each board meeting. Board chairs will use a speaker sign-up list in deciding how to allocate the available time on the agenda (typically 10 minutes) to the number of people who want to speak.

For topics that are on the agenda, but have not gone out for public comment, board chairs will provide limited opportunity for comment, taking into account the time allotted on the agenda for the topic. Chairs will have flexibility in deciding how to allocate comment opportunities; this could include hearing one comment in favor and one in opposition until the chair is satisfied further comment will not provide additional insight to the board.

For agenda action items that have already gone out for public comment, it is the Policy Board's intent to end the occasional practice of allowing extensive and lengthy public comments. Currently, board chairs have the discretion to decide what public comment to allow in these circumstances.

In addition, the following timeline has been established for the submission of written comment for issues for which the Commission has NOT established a specific public comment period (i.e., in response to proposed management action).

1. Comments received 3 weeks prior to the start of a meeting week will be included with the main meeting materials.
2. Comments received by 5:00 PM on the Tuesday immediately preceding the scheduled ASMFC Meeting (for the May 2-5 meeting, the Tuesday deadline will be April 26, 2016) will be distributed electronically to Commissioners/Board members prior to the meeting and a limited number of copies will be provided at the meeting.
3. Following the Tuesday, April 26, 2016 5:00 PM deadline, the commenter will be responsible for distributing the information to the management board prior to the board meeting or providing enough copies for the management board consideration at the meeting (a minimum of 50 copies).

The submitted comments must clearly indicate the commenter's expectation from the ASMFC staff regarding distribution. As with other public comment, it will be accepted via mail, fax, and email.

II. New England Fishery Management Council (NEFMC): Public Comment Guidelines

Council Meetings

Public comments will be accepted at Council meetings on all major agenda items to the extent practicable, in particular on those items requiring final action. The Chairman or presiding officer will schedule comments at an appropriate time during the meeting that is consistent with the orderly conduct of business. This opportunity may occur after the Council has discussed the items under consideration and/or once motions have been made and are under consideration. Council members may ask questions of individuals offering comments.

Individuals offering oral comments must provide their name, affiliation, if any, and may be asked to provide other details that could enhance Council understanding of their testimony. Each person will be asked to speak for or against the motion under consideration and provide rationale with his or her comments. In addition, it would be helpful for speakers to comment on whether, in their view, the action will achieve the necessary conservation objectives, whether the proposal is fair and equitable, how communities might be affected, how best to avoid undesirable bycatch and discuss whether there are any safety issues involved.

Limits on Comments

The Chairman may limit or defer public comment on Council meeting agenda items on which no final action is being taken to future oversight committee meetings, public hearings and/or to the Council meeting at which final action will be taken. Where constrained by the available time, the Chairman or the presiding officer may limit public testimony in a reasonable manner by: a) requesting that individuals avoid duplication of prior testimony; b) requiring persons with similar concerns to select a spokesman; and/or c) setting a time limit on individual comments.

Additional Time for Public Comments at Council Meetings

An additional opportunity for public comments will be made available at each Council meeting at a designated time listed on the agenda. Any interested party may address the Council during this period concerning future directions, issues or any initiatives that are relevant to Council business. The Chairman will determine time available for this purpose on a case-by-case basis.

Submission of Written Materials

Written comments received at the Council office up to three business days before the Council meeting date will be copied and distributed to the Council prior to the meeting. Under most circumstances, anyone who is unable to provide their material three business days in advance of the meeting should provide 35 copies to the staff for distribution to

Council members. If distribution to the Council is not essential, submission of a single copy is sufficient for the record. All written information submitted to the Council must include a statement of the source and date of such information. Written statements must also include the author's name, affiliation and background.

Public Input at Other Types of Council Meetings

The extent of public comment taken at meetings of the Council's oversight committees or other working groups will be at the discretion of the Chairman or presiding officer.

III. Mid-Atlantic Fishery Management Council (MAFMC): Public Comment Guidelines

Public Comment on Specific Issues

Public comments are solicited during the development of management actions. NMFS lists public notices with comment opportunities relevant to Mid-Atlantic and New England Fisheries. [Click here](#) for a listing of current public comment opportunities.

General Public Comment

The Council accepts both written and oral comments during Council meetings. General testimony on issues not related to specific agenda items is taken at all Council meetings during the "Continuing and New Business" portion of the agenda.

Public Comment Deadlines

Written comments may be submitted prior to Council meetings to be incorporated into the official record. There are two public comment cutoff dates for each Council meeting:

Briefing Book: Comments submitted at least two weeks prior to each Council meeting will be included in the digital and hard copy briefing books.

Final: Comments submitted at least one week prior to the meeting will be printed and distributed at the meeting.

IV. Gulf of Mexico Fishery Management Council (GMFMC): Public Comment Guidelines

The Gulf Council has a procedure they use for public comments but don't have a policy. There is a deadline for comments on an amendment during a public comment period and those go into the briefing book. If they have comments coming in closer to the Council meeting, then they'll do a last minute BB addition on the Friday before the Council meeting. They have a bullet list with 'summary of comments received by DATE'. The "received by" part is key, and that can go in the official BB.

All written comments are put in a Google doc and are available to public and Council members all the time. Click on one of the "read online comments here" under one of these amendments and it will pull up a Google doc with all of the comments to date. http://gulfcouncil.org/fishery_management_plans/scoping-thru-implementation.php So the Council members get in a BB mail out a "summary of comments" with a received-by date, but then whenever they want to see all the comments, they (and anyone else) can

look at the Google document. And staff can always refer the Council members to the document if a lot of comments are coming in during a meeting.

V. Caribbean Fishery Management Council (CFMC): Public Comment Guidelines

The Council has no written policy but they have a period for comments at the end of each day of the Council meeting, and the public can submit oral or written comments at each Council meeting or send them prior to the meeting for inclusion in the briefing book (~15 days in advance). Also, if any topic on the agenda is important enough, the Chair has the authority to allow comments from the public during Council discussions.

All written comments are read into the record whenever practical. For emails, a staff person prepares a table summarizing the comments. Staff do not distribute the emails unless requested by Council members.

VI. North Pacific Fishery Management Council (NPFMC): Public Comment Guidelines

The Council, AP, and SSC allow public comment on every agenda item. If you'd like to testify during the comment period, you must sign up at the back of the room on the sign-up sheet before the staff report is completed on that particular agenda item. When your name is called, approach the podium, introduce yourself, your affiliation, and give your testimony. Due to time constraints, public comment is limited to 3 minutes per person, or 6 minutes for an organization or group.

You can also distribute written copies of your testimony during the meeting. You will need to provide 15 copies for the SSC, 25 copies for the AP and 25 copies for the Council. Copies can be handed to staff for distribution either before or during oral testimony. Oral or written statements shall include a brief description of the background and interests of the person testifying.

The Council has moved to an entirely new document management system which allows a new, easier way for the public to view items related to a Council meeting. All the items associated with a Council meeting, either before or after, are available to the public at npfmc.legistar.com. The items are searchable and downloadable, and there's even a feature to be alerted if something new is posted on a specific agenda item. This means the entire Council notebook is available online. An easier interface is available through an app for the ipad called Granicus. Call the office if you'd like more information on this feature.

Public Comment Goes Online

Starting for the February 2016 meeting, the Council will be accepting public comments online, through the same database, npfmc.legistar.com. Public comments will be

accepted for each agenda item, and can either be input directly, or included as an attachment.

PUBLIC COMMENT INFORMATION

**Deadline for written comments for upcoming meeting:
5:00 pm (Alaska Time) Tuesday, March 29, 2016**

Submission of Written Comments: Written comments and materials to be included in Council meeting notebooks must be received by the deadline noted above. Written comments should include a statement of the source and date of information provided as well as a brief description of the background and interests of the person(s) submitting the statement. **Comments should be sent by email to the following address:**
npfmc.comments@noaa.gov

The Comments must identify the submitter by legal name, affiliation, and date, and must also identify the specific agenda item by number (C1 for example), and must be submitted by the comment deadline. Comments received under these conditions will be sorted, copied, and included in the Council notebooks. PDF attachments will be accepted, as long as the above criteria are met. Comment received after the deadline will not be copied and distributed and will not be considered as part of the official record. Emails submitted for the comments must be to the above address, and not to specific Council staff or Council members. Additionally, email comments will only be accepted on items that are on the scheduled agenda. A return receipt will be issued automatically upon opening the electronic comment.

Testimony Materials: Electronic copies of material provided by persons testifying during the meeting must be provided to the Council staff. A minimum of **25** paper copies should be provided for the Council, **25** for the Advisory Panel, and **18** for the Scientific and Statistical Committee. If presentations, photographs, or other materials shown during public testimony are intended to be part of the official record, it is the testifiers' responsibility to provide copies and electronic versions, if available, to Council staff. Electronic versions, if provided, will be uploaded to the Agenda.

Those Wishing to Testify in Person

Council. Sign-up sheets are available at the registration table for those wishing to provide public comments on a specific agenda item. Sign-up must be completed before public comment begins on that agenda item. Additional names are not accepted after public comment has begun. Groups and associations are given six minutes and individuals and businesses are allowed three minutes for their testimony. A projector is available for use upon request. Contact the staff ahead of time for arrangements.

Advisory Panel. The AP has revised its operating guidelines to incorporate a strict time management approach to its meetings. Rules for testimony before the Advisory Panel have been developed which are similar to those used by the Council. Members of the public wishing to testify before the AP must sign up on the list for each topic listed on the

agenda. Sign-up sheets are provided in a special notebook located at the back of the room. The deadline for registering to testify is when the agenda topic comes before the AP. The time available for individual and group testimony will be based on the number registered and determined by the AP Chairman. The AP may not take public testimony on items for which they will not be making recommendations to the Council.

Scientific and Statistical Committee. The usual practice is for the SSC to call for public comment immediately following the staff presentation on each agenda item. The Committee will discourage testimony that does not directly address the technical issues of concern to the SSC. Presentations lasting more than five minutes will require prior approval from the Chair.

NOTE to persons providing oral or written testimony to the Council: Section 307(1)(I) of the Magnuson-Stevens Fishery Conservation and Management Act prohibits any person “to knowingly and willfully submit to a Council, the Secretary, or the Governor of a State false information (including, but not limited to, false information regarding the capacity and extent to which a United State fish processor, on an annual basis, will process a portion of the optimum yield of a fishery that will be harvested by fishing vessels of the United States) regarding any matter that the Council, Secretary, or Governor is considering in the course of carrying out this Act.

VII. Pacific Fishery Management Council (PFMC): Public Comment Guidelines

The public is encouraged to comment, either verbally at the meeting or in writing. Timing of agenda items may change as the meeting progresses, and items not completed on the scheduled day will be carried over to later in the meeting, usually the next day.

Oral Public Comments

Oral public comments will be accepted during the meeting prior to action on each agenda item.

Written Public Comments

Written public comments are accepted by the Council via one of the methods described below. The public is encouraged to submit written comments as far in advance of the meeting as possible, either by mail, fax, or email addressed to pfmc.comments@noaa.gov. Through the supplemental deadline, electronic copies of written testimony is encouraged, as they facilitate posting to our website. (Note: Dates refer to the April 8-14, 2016 meeting.)

- Comments received by 11:59 p.m. Thursday, March 17, 2016 will be included in the briefing books mailed to Council members prior to the meeting. Comments received after March 17 but by 11:59 p.m. April 3, 2016 will be distributed to Council members at the onset of the meeting.
- If you cannot meet this latter deadline and are going to testify at the meeting, you can provide written testimony for distribution at the meeting by one of the

following methods. However, please note these need to be provided to Council staff by 5 p.m. the day before your testimony.

- Provide an electronic copy to be posted with other briefing materials, or
- Provide 40 photocopies with the Agenda Item Topic Number in the upper right corner of the front page of each copy. Refer to the attached agenda for the topic numbers; i.e., Agenda Item B.1.b refers to public comment under Open Comment Period.

VIII. Western Pacific Fishery Management Council (WPFMC): Public Comment Guidelines

Public comments to be included in the briefing materials can be submitted to the Council office by mail, fax or email and must be received at least one week before the meeting.

The Council and its advisory groups (e.g., SSC, REACs, AP and Plan Teams) all allow public comment on agenda items. If you'd like to testify during the comment period, you must sign up at the back of the room on a public comment form before the public comment period is completed. Give the completed form to any staff person, who will then hand it to the meeting chair. The chair will call for comments in the order the forms were received. When your name is called, approach the podium, introduce yourself, state your affiliation and give your testimony. Due to time constraints, public comment is limited to three minutes per person or six minutes for an organization or group.

You can also provide written copies of your testimony to be distributed during the meeting. You can do this by providing the written testimony at least one week prior to the start of the meeting or by handing 40 copies of the testimony to the Council staff either prior to or during your testimony. Oral or written statements should include a brief description of the background and interests of the person testifying.